

**FILED**

**AUG - 1 2007**

**DENNIS P. IAVARONE, CLERK  
BY US DISTRICT COURT, EDNC  
DEP CLK**

**UNITED STATES DISTRICT COURT**  
for  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Miguel Carrera**

**Docket No. 5:07-M-1293-1**

**Petition for Action on Probation**

COMES NOW Debbie W. Starling, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Miguel Carrera, who, upon a plea of guilty to Careless and Reckless Driving, in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-140, and Assault by Striking, in violation of 18 U.S.C. § 113(a)(4), was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on July 10, 2007, to a 12-month term of probation under the standard conditions adopted by the court. Additionally, the defendant was ordered to pay a \$400 fine and a \$20 special assessment.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On July 16, 2007, the defendant submitted to drug testing which proved positive for cocaine. Carrera signed an Admission of Drug Use Statement admitting that he used cocaine on July 15, 2007. In order to place the defendant in the Surprise Urinalysis Program and possibly refer for drug counseling/treatment if additional use is detected, we would recommend that the conditions of probation be modified to include the standard drug aftercare condition.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

Robert K. Britt  
Robert K. Britt  
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

Debbie W. Starling  
Debbie W. Starling  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: July 25, 2007

**ORDER OF COURT**

Considered and ordered this 1<sup>st</sup> day of August, 2007, and ordered filed and made a part of the records in the above case.

James E. Gates William A. Webb  
U.S. Magistrate Judge